

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0738	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposal for loft extension		
Site:	Thickets, Deaks Lane, Ansty, Haywards Heath, West Sussex, RH17 5AS, ,		
Validation Date	23 Mar 2026	Overall Expiry Date:	20 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	18 May 2026
Target Date:	18 May 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Steven King</i>	Date:	18 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0738

**Thickets, Deaks Lane, Ansty, Haywards Heath, West Sussex, RH17 5AS,
Proposal for loft extension
Mr Mark Harrowell**

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTEES

None

PARISH COUNCIL OBSERVATIONS

No comments received

INTRODUCTION

The application seeks to obtain a lawful development certificate for a proposed loft conversion.

RELEVANT PLANNING HISTORY

DM/25/2744 - First floor side extension. Permission. February 2026

SITE AND SURROUNDINGS

Thickets is a semi-detached house situated on Deaks Lane in Ansty. The property benefits from a large garden area to the side, with land levels rising to the south and east. The property has been previously extended to the rear with a modest ground floor extension. The site falls within the built-up area boundary of Ansty.

APPLICATION DETAILS

The applicant is seeking a Lawful Development Certificate for a proposed loft conversion with rear dormer.

LEGAL FRAMEWORK

This application is to establish whether the proposed development for the rear extension would benefit from permitted development rights and will be a legal decision; planning merits cannot be taken into account when considering this application.

The proposal will be tested against the relevant criteria of Part 1, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Permitted Development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development Not Permitted

B.1 Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule;
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or

- (ii) 50 cubic metres in any other case;
- (e) it would consist of or include—
 - (i) the construction or provision of a veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwellinghouse is on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must be constructed so that -
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension -
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Interpretation of Class B

B.3 For the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact for the element proposed. The property is not subject to an Article 4 Direction or located on Article 2(3) land.

The proposed roof enlargement with a rear dormer has been calculated to measure circa 19.4 cubic metres in volume which is less than the 50 cubic metre volume allowed for this type of dwelling.

The elevation drawings outline that timber cladding will be used to clad the rear dormer. Given that timber cladding is not present on the dwelling, the proposal does not comply with paragraph (a) of B.2 which states, *'the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.'* It is therefore considered that a Certificate of Lawfulness for the proposed development cannot be issued.

CONCLUSION

In conclusion, the proposed development is not deemed to comply with the applicable permitted development criteria as set out within Class B of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate of Lawful Development cannot be issued.

Decision: Refusal

Case Officer: Tracie Axford